

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 263 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph and
2 insert: SECTION 1. IC 33-5-36.6-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) There ~~is~~ **are** established
4 a ~~court~~ **two (2) courts** of record to be known as Montgomery superior court ~~The~~
5 **No. 1 and Montgomery superior court No. 2. Each** court may have a
6 seal containing the words "Montgomery Superior Court (**insert No. 1 or No.**
7 **2)** of Montgomery County, Indiana".
8 (b) Montgomery County comprises the judicial district of ~~the~~ **each** court.
9 SECTION 2. IC 33-5-36.6-2 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) ~~The~~ **Each** court has one (1) judge, who
11 shall be elected at the general election every six (6) years in Montgomery County.
12 The term of the judge begins January 1 following the election and ends December
13 31 following the election of the judge's successor.
14 (b) To be eligible to hold office as a judge of the court, a person must:
15 (1) be a resident of Montgomery County;
16 (2) be less than seventy (70) years of age at the time of taking office; and
17 (3) be admitted to the bar of Indiana.
18 SECTION 3. IC 33-5-36.6-3 IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2004]: Sec. 3. ~~The~~ **Each** court has the same jurisdiction
20 as the Montgomery circuit court.
21 SECTION 4. IC 33-5-36.6-4 IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2004]: Sec. 4. **★ Each** judge of the court has the same
23 powers relating to the conduct of the business of the court as the judge of the
24 Montgomery circuit court. **★ Each** judge of the court may also administer oaths,

solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 5. IC 33-5-36.6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. **Each** judge of the court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Montgomery circuit court. Their salaries shall be paid monthly out of the treasury of Montgomery County as provided by law.

SECTION 6. IC 33-5-36.6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The clerk of the court, under the direction of ~~the each~~ judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the each~~ court, which shall be kept separately from the books and papers of other courts.

SECTION 7. IC 33-5-36.6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~The Each~~ court shall hold sessions in the Montgomery County courthouse in Crawfordsville, Indiana, or in such other places in the county as the Montgomery County executive may provide. The county executive shall provide and maintain suitable courtrooms and other rooms and facilities **for each court**, including furniture and equipment, as may be necessary. The Montgomery County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

SECTION 8. IC 33-5-36.6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The jury commissioners appointed by the judge of the Montgomery circuit court shall serve as the jury commissioners for ~~the each~~ court. Juries shall be selected in the same manner as juries for the Montgomery circuit court. The grand jury selected for the Montgomery circuit court shall also serve as the grand jury for ~~the each~~ court as is necessary.

SECTION 9. IC 33-5-36.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. The judge of the Montgomery circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to ~~the that~~ court. The judge of ~~the each~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 10. IC 33-5-36.6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The judge of the Montgomery circuit court may, with the consent of the a judge of the court, sit as a judge of ~~the that~~ court in any matter as if the judge of the circuit court ~~was were~~ an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as judge of the circuit court in any matter as if the judge of the court ~~was were~~ an elected judge of the circuit court.

SECTION 11. IC 33-5-36.6-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. **Each court has a standard small claims and misdemeanor division.**

SECTION 12. [EFFECTIVE JULY 1, 2004] **(a) At midnight on December 31, 2004, the Montgomery county court is abolished.**

(b) Notwithstanding the amendment of IC 33-5-36.6 by this act, the Montgomery superior court No. 2 is not established until January 1, 2005.

(c) Any case pending in the Montgomery county court after

1 the close of business on December 31, 2004, is transferred on
 2 January 1, 2005, to Montgomery superior court No. 2 established
 3 by IC 33-5-36.6-1, as amended by this act. All cases transferred
 4 under this SECTION that are eligible to be heard by the standard
 5 small claims and misdemeanor division, established by IC 33-5-
 6 36.6-11, as added by this act, shall be transferred to the standard
 7 small claims and misdemeanor division of the court in accordance
 8 with the venue requirements prescribed in Rule 75 of the Indiana
 9 Rules of Trial Procedure. A case transferred under this SECTION
 10 shall be treated as if the case were filed in Montgomery superior
 11 court No. 2.

12 (d) On January 1, 2005, all property and obligations of the
 13 Montgomery county court become the property and obligations of
 14 Montgomery superior court No. 2.

15 (e) The initial judge of Montgomery superior court No. 2
 16 established by IC 33-5-36.6-1, as amended by this act, shall be the
 17 person who is the Montgomery county court judge on December
 18 31, 2004. The term of the initial judge begins January 1, 2005, and
 19 ends December 31, 2008. The initial election of a judge for
 20 Montgomery superior court No. 2, established by IC 33-5-36.6-1,
 21 as amended by this act, is the general election conducted on
 22 November 4, 2008. The term of the initial elected judge begins
 23 January 1, 2009.

24 (f) This SECTION expires January 2, 2007.

25 Renumber all SECTIONS consecutively.

(Reference is to SB 263 as printed January 23, 2004.)

Representative BROWN T

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